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PLAINTIFF in pro per, and
Attorney for Julie D. Missud

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF CALIFORNIA, SAN FRANCISCO DIVISION
UNLIMITED CIVIL JURISDICTION

PATRICE A. MISSUD,
JULIE D. MISSUD

Case No. C 07-2625 JL

Plaintiffs

**DECLARATION OF PATRICK MISSUD IN
OPPOSITION OF MOTION TO DISMISS**

vs.

UNLIMITED

D. R. HORTON, INC.;
DHI MORTGAGE COMPANY, LTD, LP.;
DONALD HORTON; DONALD TOMNITZ;
MICHAEL MASON; DANIEL CALLIHAN;
ANNIE SCHANKIN, JAMES FRASURE;
DOES 1-200

Date: September 5, 2007
Time: 9:30 AM
Judge: Hon. James Larson

Defendants

I, Patrick Missud, declare as follows:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California, in this Federal Court, and am pro per counsel in the above entitled action. I have personal knowledge of the matters set forth herein. If called upon as a witness to

1 testify as to the truth of these matters, I could and would do so competently.

2 2. A true and correct copy of the April 20, 2006, transcript from the San Francisco Superior
3 Court is appended as Exhibit 1. At page 2 starting on line 14 Judge Warren tentatively
4 ruled that “the nature of the contracts that were the result of the contacts would probably
5 suggest specific jurisdiction.”

6 3. A true and correct copy of the Register of Actions for case #05-447499, from the San
7 Francisco Superior Court is appended as Exhibit 2. The April 26&27, 2006 entries
8 indicate that the Plaintiff filed his proposed form of order one day beyond the statutory
9 deadline and Defendants’ form of order was adopted by default the day prior.

10 4. A true and correct copy of the January 11, 2007, transcript from the San Francisco
11 Superior Court is appended as Exhibit 3. At page 4, lines 5-24, Judge Busch implied that
12 but for the technicality that his instant ruling would close case 499, he would have
13 considered as evidence an additional 40 California consumers who had been systematically
14 and continuously contacted to prove minimum contacts.

15 5. True and correct redacted copies of emails indicating that the authoring D R Horton
16 consumers have been defrauded as recently as August 2007 are appended as Exhibit 4.
17 Their information, along with 40 other Californians’, has already been forwarded to
18 California’s Department of Corporations under file #CAS-37115, and the other respective
19 States’ regulatory authorities.

20 6. True and correct copies of the varied complaints filed by the Defendants in retaliation for
21 the Plaintiff’s informing federal authorities of criminal activities are appended as Exhibit 5.

22 7. Exhibit 6 are roughly 100 of the 150 pages of consumer information posted world wide at
23 drhortonsucks.info and Plaintiff’s four other commonly owned sister sites which are
24 visited by thousands of new consumers weekly and are accurately and truthfully compiled
25 from hundreds of emails, phone interviews and personal recounts of actual D R Horton
26 frauds and misrepresentations. These new consumers who ‘link’ from either dozens of
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1 third party affiliate sites or by 'surfing the web,' add daily to the stories already available.
2 Consumer contacts can be furnished at any time, and are available to this Court as they
3 have been to Federal agencies and 27 State Attorneys General across the nation, who are
4 regularly updated with the new information as received. True and correct copies of the
5 web site as of the date stamped at the bottom of the exhibits are appended as Exhibit 6.

6 8. A true and correct copy of the Complaint filed under case #05-447499, in the San
7 Francisco Superior Court is appended as Exhibit 7. At page 3, starting at line 1, the
8 Plaintiff claimed that "the defendants had over a \$75,000 incentive to improperly claim
9 that plaintiff had breached the contract for the property." There is a statement regarding a
10 breach of contract for the property. There is no description of any fraud described with
11 any particularity as is exhaustively detailed in the accompanying oppositions, which were
12 compiled from discovery through reasonable diligence only since May 2006.

13 9. If available at the time of submission, true and correct copies of the police incident report
14 #070793172 and cover letter with exhibits to the San Francisco FBI will be attached as
15 Exhibit 8. The FBI file was forwarded under US Postal Confirmation
16 #03063030000091173471 to agents within this building and regarding the detonated
17 explosive and four other documented incidents involving vandalism or attempted break ins
18 to Plaintiffs' Las Vegas property, dates of which also happened to coincide with various
19 case filings and subpoena requests over the past two years. Three neighbors' statements
20 document the explosion which occurred on August 3, 2007 at approximately 10:00 PM
21 likely in retaliation for Plaintiff's informing government and the media about Defendants'
22 criminal activity or to prevent filing of this current Opposition. The police report will be
23 submitted as an additional exhibit if not attached herewith, and when received.

24 10. True and correct copies of nationally syndicated articles from several reliable sources and
25 abundantly available on the web, stating that Northern California Counties are among the
26 Counties with the highest incidents of foreclosure are appended as Exhibits 9. The
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Defendants who claim to do no business in California have dozens of former and current developments currently experiencing among the highest rates of foreclosure in what seems to be under identical conditions of predatory lending as described in the accompanying Oppositions.

11. Exhibit 10 is a copy of the case information sheet filed in Georgia's Southern Federal District Court on June 15, 2007, for consumer credit violations by Defendants D R Horton Inc., and DHI Mortgage Co. One of the claimed violations is identical to the Plaintiffs' allegations as described in the accompanying Oppositions, and identical to the posted information found at drhortonsucks.info since September 2006.
12. Through my web sites and other available means, approximately ten D R Horton insiders have been located who have verified the myriad frauds and misrepresentations including interest rate manipulation, RESPA violations, fraudulent inducement, deceptive business practices, antitrust-tying, coercion, falsifying governmental documents, and many other varieties of mortgage fraud. Many, if not all of these insiders have offered additional contacts for victims of D R Horton fraud and misrepresentations.
13. Through my web sites and other available means, approximately a dozen mortgage and real estate brokers who have dealt with D R Horton have verified the myriad frauds and misrepresentations including interest rate manipulation, RESPA violations, fraudulent inducement, deceptive business practices, antitrust-tying, coercion, falsifying governmental documents, and many other varieties of mortgage fraud. Many, if not all of these professionals have offered additional contacts for victims of D R Horton fraud and misrepresentations.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in San Francisco, California.

1
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3 Patrick Missud

Date